



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,487	04/14/2006	David Neville Davies	13871US/BAT018PA	2452
58503 7590 04/12/2011 STEVENS & SHOWALTER, L.L.P. BOX BAT 7019 CORPORATE WAY DAYTON, OH 45459-4238				
EXAMINER HOGAN, JAMES SEAN				
ART UNIT		PAPER NUMBER		
3752				
MAIL DATE		DELIVERY MODE		
04/12/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,487

Applicant(s)

DAVIES ET AL.

Examiner

JAMES S. HOGAN

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-46 and 49-67 is/are pending in the application.
- 4a) Of the above claim(s) 30-34, 38-42, 44 and 45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22 and 25 is/are rejected.
- 7) ☐ Claim(s) 23, 24, 26-29, 35-37, 43 and 49-67 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are moot as new art has been found to read on the independent claims 22 and 25. As such prosecution returns to non-final status.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 22 and 25 are rejected under 35 U.S.C. 102(b) as being unpatentable over by U.S. Patent No. 4,228,961 to Itoh in view of U.S. Patent No. 4,581,675 to Kelly

As per claim 22, 25 Itoh discloses in Figure 2, means for supplying liquid (from (13) to an electrical discharge means ((1),(2)) including means for coupling the electrical discharge means (1) to a second higher potential (from (11)) and for coupling the outlet ((1) to a first, different, lower potential for causing an electric field to be generated at said outlet to produce a dispersion of aroma-providing droplets (disclosed is a use for coating, which, by default can have an odor to it) from liquid issuing from the outlet and for producing at the electrical discharge means ions to at least partially electrically discharge the dispersion (Col. 5, lines 5-34). However, Itoh does not teach the outlet being coupled to a potential via a resistance. Kelly teaches a three-electrode spraying device which teaches an outlet electrode (64) being coupled to a resistor (72) and where a discharge electrode (82) has a higher potential. As the endeavor of both is for

electrostatic spraying where discharge means have a higher potential than outlet means, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Itoh with the resistor of Kelly for the purpose of lowering a potential to the electrode.

Claim Objections

4. Claims 23,24, 26-29, 35-37,43, and 49-67 are objected to as being dependent upon a rejected base claim.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES S. HOGAN whose telephone number is (571)272-4902. The examiner can normally be reached on Mon-Fri, 7:30a-4:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571)272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. S. H./
Examiner, Art Unit 3752
3*31*11

/Dinh Q Nguyen/
Primary Examiner, Art Unit 3752